Return to Indian Status?

Dead Deer Flames Cause

By Bob Kuesterman
Associated Press Writer

The only group of mixed blood Indians to be federally declared non-Indians hopes to turn a case concerning a dead deer into a court ruling affirming their rights as native Americans.

The mixed bloods, descendants of Indians who married whites, hope eventually to overturn the 1954 act of Congress which divided them from the fullblooded Ute Indians of eastern Utah and declared them no longer federal wards.

Glen Murdock, 51, of 50 percent Ute blood, goes before a Duchesne justice of the peace Tuesday for shooting a four-point buck on his property near the Uintah-Ouray Indian Reservation.

The state says he was a non-Indian hunting on non-Indian land.

'Exercising Right'

He says he is a Uintah Ute exercising his right to hunt on Indian lands, a right he and other mixed bloods claim was not lost when those of 50 percent Ute blood or less were "terminated".

Termination was a federal policy of the 1950s, now disavowed, to release bands of Indians from federal supervision.

The Utes were the only band divided, and the only case of mixed bloods being terminated. There were 490 mixed blood Utes, since organized as the Affiliated Utes, and 1,300 full-bloods.

The termination provided for division of assets, including reservation land, 73 percent to the tribe and 27 percent to the Affiliated Utes. Of the mixed bloods' lands, 93 percent was sold to non-Indians within a few years.

Reared as Indians

Most of the mixed bloods are brought up as Indians, many living on the reservation with the fullbloods.

Murdock, a director of the Affiliated Utes, argues the termination was intended to put their property on tax rolls, but provided for them to retain prior rights, including hunting and water rights.

Murdock says he will plead innocent to the hunting charge and hopes to find attorneys who will appeal the case until a high court rules the mixed bloods retain their rights.

He, other Affiliated Utes directors, and a new organization of terminated Indians, called Awat Paw or Big Water, also argue the termination did not follow due process and all provisions of the act were not carried out. They hope to overturn it.

Policy Abandoned

The termination resolution envisioned the fullbloods would be terminated in 10 years, but they were not and the termination policy has been abandoned.

For Murdock and some others, the attempt of the state to regulate their hunting anf fishing, is the prime complaint.

"For us it is not recreation," says Mudock, who says he kills about a half dozen deer a year to feed his family.

"We use all of the deer. We dry the meat. We do not freeze it like the non-Indian. We tan the hide. The white man sells it. We even use the antlers to make jewelry," he says.

Clair Huff, regional supervisor of the Utah Division of Wildlife Resources, says the citation was regarded as routine and not a test case. He says other mixed bloods have been cited in the past for hunting violations, which Murdock and other mixed blood leaders deny.

Water Rights, Too

Calvin Huckford, also a director of the Affiliated Utes, and some others say water rights are their main concern. He says that after termination, the state said the mixed bloods did not have rights to the water on their land.

"We contend our rights predate the state," he says.

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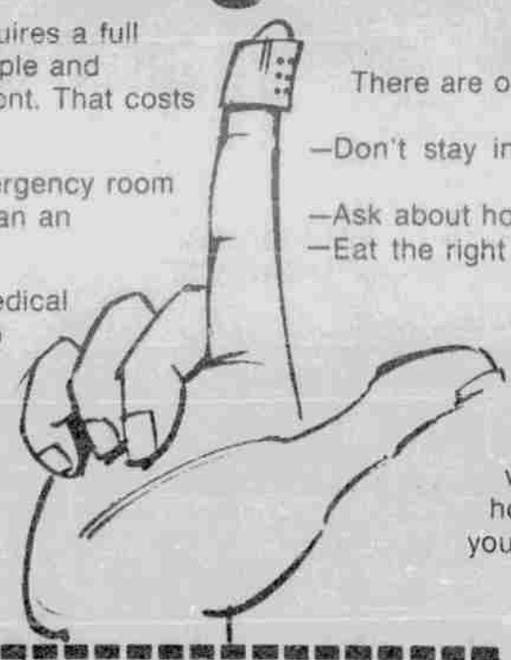

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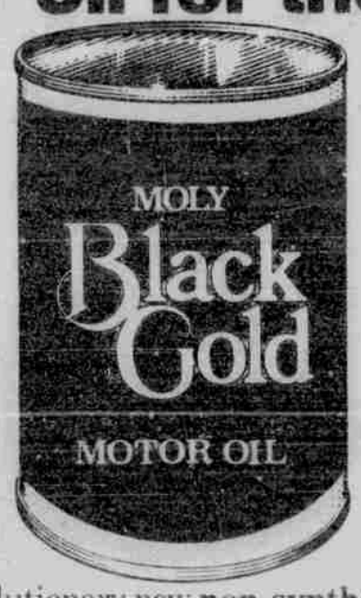

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